

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/14/2008 has been entered. Upon entering the submission, claims 4-6 are currently pending, and are under examination on the merits.

### ***Response to RCE Submission***

#### **Arguments over rejection of claims 1-6 under 35 U.S.C. §103(a)**

Applicant's submission of the Cox's publication and the argument of the side-by-side comparison data are not sufficient to overcome the rejection. As being stated in the previous Advisory Action on 07/03/2008, the Cox's reference publication date is later than the filing date of the instant application, and there is no side-by-side comparison on the compounds' testing data, because the Cox's reference teaches piperidine compounds, and the instant application is related to pyrrolidine compounds.

The Examiner is aware of the side-by-side comparison biological testing data of pyrrolidine compounds cited in the argument. However, such data can not be considered as the unexpected results, unless the data are submitted under Declaration.

stating that such unexpected results were realized before the filing data of this instant application. The rejection is maintained.

**Obviousness-type double patenting rejection**

Applicants' argument is not sufficient to overcome the ODP rejection for the reasons explained above.

***Conclusion***

No claims are allowed.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached between 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Status Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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